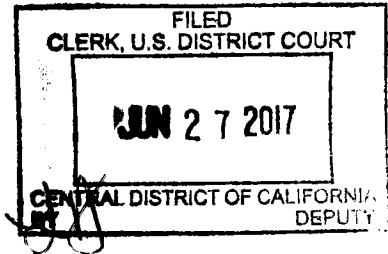


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*Plaintiff Pro Se*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ANTHONY OLIVER, an individual;

Plaintiffs,

vs.

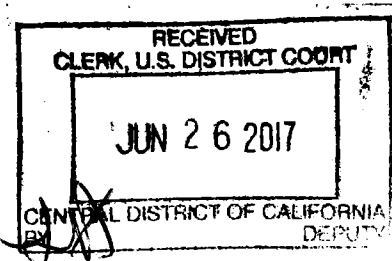
Scram of California, Inc., a California  
Corporation; Alcohol Monitoring  
Systems, Inc., a Delaware Corporation;  
and DOES 1-10, inclusive.

Defendants.

Case No.

**CV 17-04735** *MINF (SS.)*  
**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

**[DEMAND FOR JURY TRIAL]**



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**COMPLAINT FOR DAMAGES**

1 Plaintiff Anthony Oliver ("Plaintiff") brings this complaint against the said  
2 Defendants Scram of California, Inc. ("SCRAM") and Alcohol Monitoring  
3 Systems, Inc. ("AMS") (collectively "Defendants") who purchased Defendants'  
4 transdermal alcohol monitoring services, to seek redress from Defendants for their  
5 failure to disclose a known defect with their transdermal monitoring device which  
6 causes false-positive readings as a result of environmental contaminants unrelated  
7 to the said wearer's consumption of any alcohol. The Defendants are aware of, and  
8 still aware of this defect in their transdermal monitoring device, yet have done  
9 nothing to inform their customers of this potential defect prior to providing them  
10 the devices and charging them for the service. Plaintiff seeks damages, restitution  
11 and injunctive relief against Defendants for the false advertising of their  
12 transdermal monitoring service. For his complaint, the Plaintiff alleges as follows  
13 upon personal knowledge as to himself and his own acts and experiences, and as to  
14 all other matters, upon information and belief, including investigation conducted  
15 by several attorneys.

16 Plaintiff brings this action against the Defendants to challenge the systematic  
17 defects in the products that are produced by SCRAM and AMS. At times, when a  
18 customer of SCRAM complains about the product causing injury by way of  
19 affixing the device to the customer, or about the high exuberant prices deployed by  
20 the Defendants, the employees of SCRAM are directed to file with the Court false  
21 reading violation reports that would often reflect that the customer, like the said  
22 Plaintiff consumed alcohol when in fact they haven't. This is just one of many  
23 dirty tactics that SCRAM uses to reap the secure benefits of stuffing their wallets  
24 with billions of dollars all while innocent people, like the Plaintiffs rot away  
25 somewhere in a jail cell.

26 One of the major purposes of sentencing is rehabilitation. Yet, when a  
27 person in California, like in many other states, is charged with a DUI related case,  
28 the Defendant will often be directed by the trial Court to wear a SCRAM ankle

bracelet. To the extent that the person is ordered by the Court not to consume any form of alcohol, it substantially occurs more often than not, that a false reading is produced by the Defendant SCRAM and AMS. Some offenders in California, like the Plaintiffs was or is required to wear the SCRAM and AMS device until their criminal case is adjudicated. Coincidentally, when an offender is set to discharge from the SCRAM program, most Defendants, their attorneys, and the Court will receive a violation report just days before discharge. In a money-making scheme, the Defendants SCRAM and AMS work together to generate false reports. At the end of the day, the Defendants, which starts with AMS, then goes to SCRAM, is a report reflecting the wearer consumed alcohol when in fact they haven't.

Plaintiff is informed, believes and thereon allege that as a result of this money-making scheme that is circumvented by the Defendants SCRAM and AMS, that each year in every County of the State of California, that thousands of clients of SCRAM are sent back to jail, prison and even having their bond revoked as a result of this money-making scheme. Regardless of whether the client is returned to custody as a result of the false violation report, the clients of SCRAM can suffer other deprivations and consequences and a result of the Defendants false reports.

### **VENUE AND JURISDICTION**

1. Pursuant to 28 U.S.C. § 1332, this Court has diversity jurisdiction as both the Plaintiff and Defendants are residents of different states. As Plaintiff is a resident of the State of Georgia, Defendant Scram of California, Inc., is a resident of California, and Alcohol Monitoring Systems, Inc., is a resident of Delaware. And the amount in controversy exceeds \$ \$ 75,000 dollars.

2. Additionally, Scram of California, Inc., has a principle place of business is located in this District. Further, the Defendant Alcohol Monitoring Systems, Inc., has a registered agent within this District and both Defendants collect financial monies within this District. Therefore, Defendants SCRAM and AMS have the minimum contacts necessary to fall under the jurisdiction of this

1 Court.

2 3. The Court's authority to grant declaratory relief and related injunctive  
3 relief is based upon 28 U.S.C. §§ 2201-2202 because an actual controversy exists.

4 4. This Court has personal jurisdiction over Defendants because they  
5 conduct operations and/or sales in California, are registered to do business in  
6 California, and the acts alleged herein originated in this District.

7 5. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because  
8 a substantial part of the events giving rise to the claim occurred in this District.

9 **THE PARTIES**

10 6. Plaintiff is a citizen of the State of Georgia

11 7. Defendant, Alcohol Monitoring Systems, Inc., is a Delaware  
12 corporation with its national headquarters located in Littleton Colorado. Defendant  
13 AMS is a nationwide provider of alcohol monitoring devices and services to state  
14 and federal law enforcement agencies, courts, as well as any and other private  
15 entities such as rehabilitation centers. Defendant AMS is registered in California  
16 and provides alcohol monitoring services in California, including in this District,  
17 and elsewhere throughout the United States.

18 8. Defendant, Scram of California, Inc. is a California corporation with  
19 its national headquarters located in Los Angeles, California. Defendant is a local  
20 distributor and provider of AMS's devices and services in this District, and  
21 elsewhere throughout California.

22 9. Plaintiff is currently ignorant of the true name(s) and the capacities,  
23 whether individual, corporate, associate, or otherwise, of the Defendants sued  
24 herein under the fictitious names DOES 1 through 10, inclusive, and therefore, sues  
25 such civil Defendants by such fictitious names. Plaintiff will seek leave to amend  
26 this Complaint to allege the true names and capacities of said fictitiously named  
27 Doe Defendants is legally responsible in some manner for the events and is also  
28 sued pursuant to California Code of Civil Procedure 474.

1           10. Plaintiff is informed and believes and thereon alleges that the  
2 Defendants, including the fictitious Doe Defendants, were at all times acting as  
3 actual agents, conspirators, ostensible agents, partners and/or joint ventures and  
4 their employees of all other Defendants, and that all acts alleged herein occurred  
5 within the course and scope of said agency, employment, partnership, and joint  
6 venture, conspiracy, or enterprise, and with the express and/or implied permission,  
7 with all such knowledge, consent, authorization and ratification of their co-  
8 Defendants however, each of these allegations are deemed “alternative” theories  
9 whenever not doing so would result in a contraction with the other allegations.

10           11. Whenever the Complaint refers to any act of the Defendants, the  
11 allegations shall be deemed to mean the act of those Defendants names in the  
12 particular cause of action, and each of them, acting individually, jointly and  
13 severally.

14                           **COMMON ALLEGATIONS OF FACT**

15           12. Defendants are providers of alcohol monitoring services and devices  
16 to state and federal law enforcement agencies, courts, as well as various private  
17 entities.

18           13. The alcohol monitoring device used by Defendants is called the  
19 SCRAM Continuous Alcohol Monitoring system (the “SCRAM Device”).

20           14. The SCRAM Device is approximately the size of a deck of cards and  
21 is placed on the wearer’s ankle using a strap. The Scram Device is a transdermal  
22 monitoring device that was designed to detect and record any instances when the  
23 wearer had consumed alcohol by detecting alcohol vapors caused by ingested  
24 alcohol diffusing through the skin.

25           15. The majority of Defendants’ business consists of providing alcohol  
26 monitoring services to individuals as part of court mandated rehabilitation  
27 programs, as a condition of probation or bond, or other purposes related to the  
28 criminal justice system.

1           16. While Defendants are selected by state and federal agencies and  
2 courts to provide monitoring services for criminal defendants and other individuals  
3 who become involved in the criminal justice system, it is such individuals who are  
4 ultimately Defendants' customers and choose to purchase Defendants' alcohol  
5 monitoring service as an alternative form of monitoring offered by the state or  
6 federal agency or court. Defendants enter into private contracts with each such  
7 individual to provide them their alcohol monitoring services, and directly charge  
8 them a monthly fee.

9           17. Defendants advertise their SCRAM Device as a cost-effective and  
10 accurate alternative for law enforcement agencies and courts to track the alcohol  
11 usage of at-risk individuals such as those charged with driving under the influence  
12 or other crimes relating to consumption of alcohol.

13           18. Specifically, the SCRAM Device is meant to be worn 24/7. The  
14 wearer is instructed to once a day, connect the SCRAM Device to a special  
15 docking station connected to the internet to upload the monitoring data collected  
16 by the device throughout the day. Once the device is connected, the data is sent to  
17 a central data center in Colorado operated by AMS. There, the data is reviewed to  
18 determine if any monitoring "event" occurred that indicates that the wearer  
19 ingested alcohol.

20           19. Unlike blood alcohol monitoring that directly detects the level of  
21 alcohol present in the blood stream, Defendants' SCRAM Device relies on  
22 transdermal alcohol monitoring, which operates by detecting the amount of alcohol  
23 that evaporates through the skin. Because the rate at which alcohol evaporates  
24 through the skin is significantly different than the rate at which alcohol is  
25 metabolized and detected in the blood stream, transdermal alcohol monitoring  
26 requires the use of an algorithm to approximate the blood alcohol content of the  
27 wearer based on the amount of alcohol vapor detected at the skin surface.

28           20. Because transdermal alcohol monitoring measures the amount of

1 alcohol evaporating through the wearers' skin, the SCRAM Device is by its design  
2 susceptible to detecting "false-positive" alcohol readings as a result of what  
3 Defendants term to be "environmental alcohol." That is, alcohol vapors that  
4 wearer's encounter on an everyday basis that may come in contact with the  
5 SCRAM Device.

6 21. Environmental alcohols take many forms, and many everyday  
7 products contain alcohol that evaporates upon exposure to air and can trigger a  
8 SCRAM Device to detect alcohol vapors. For example, body spray, cologne,  
9 aftershave, hand sanitizer; household cleaners such as Windex, gasoline, and many  
10 other products that most individuals come across on a day-to-day basis contain  
11 alcohol that evaporates into the atmosphere.

12 22. Given the placement of the SCRAM Device against the wearer's skin  
13 on their or her ankle, and the fact that the SCRAM Device is designed to detect the  
14 presence of alcohol in the air surrounding the wearer, any environmental alcohol  
15 present near or around the device will lead to the device detecting the presence of  
16 alcohol vapors even if the wearer had not ingested any alcohol themselves.

17 23. Defendants advertise to the public and the governmental agencies  
18 with whom they seek to work with, that the SCRAM Device is capable of  
19 determining the difference between alcohol vapors that are detected as a result of  
20 "ingested alcohol" and alcohol vapors that are detected as a result of  
21 "environmental alcohol."

22 24. Further, the individuals who ultimately purchase Defendants' alcohol  
23 monitoring services, are not in any way informed that the SCRAM Device could  
24 even register any false-positive test results due to environmental alcohol before  
25 making the decision to purchase Defendants' alcohol monitoring service and  
26 submit to monitoring via the SCRAM Device.

27 25. However, Defendants misrepresent the risk of false-positive test  
28 results as a result of environmental alcohol. In fact, numerous sources have



1 documented instances of false-positive test results recorded by the SCRAM Device  
2 when the wearer was proven to have not consumed any alcohol.

3 26. For example, in one instance a criminal defendant in Oakland County  
4 Michigan was fitted with the SCRAM Device as a condition of being released on  
5 bond following a car accident. Subsequently, the court was notified of three  
6 drinking episodes that were potential violations of the conditions of the bond, and a  
7 bond revocation hearing was held. However, at the hearing, the Honorable Dennis  
8 Powers of the Novi District Court determined that the SCRAM Device was in fact  
9 unreliable and that the events detected were false-positives. Specifically, according  
10 to the data recorded by the SCRAM Device, during the first drinking episode the  
11 wearer consumed alcohol for 63 consecutive hours and maintained an identical  
12 blood-alcohol level at all times—a biological impossibility. The second drinking  
13 episode was detected by the SCRAM Device at the exact same time as when the  
14 wearer was taking a breath-alcohol test that showed no presence of alcohol  
15 whatsoever. The third drinking episode was detected when the wearer was in the  
16 hospital, and even though the wearer had not consumed any alcohol whatsoever,  
17 the data recorded was identical to data corresponding to some who had internally  
18 ingested alcohol. The court rejected the evidence presented by AMS and in  
19 particular noted that “the SCRAM tether did not meet the requisite standards of  
20 ‘reliability’ or ‘general acceptance’ in the relevant scientific community” and that  
21 “[t]he body of evidence supplied by the defendant made it clear that the readings  
22 by the SCRAM tether were not necessarily the result of prolonged drinking  
23 episodes.”

24 27. As another example, another criminal defendant was ordered by the  
25 Court in Ramsey County Minnesota to wear the SCRAM ankle bracelet as a result  
26 of a DUI related offense. The SCRAM device is worn as an ankle bracelet which  
27 monitors the migration of alcohol through the offender’s skin. The measurements  
28



1 are then obtained are converted to a blood-alcohol content which is designated as  
2 the TAC, which means Transdermal Alcohol Content.

3 28. In this case, on November 9, 2006, the defendants SCRAM device  
4 showed a positive reading for alcohol with a confirmed peak reading .035 TAC.  
5 On November 10, 2006, at approximately 6:00 a.m., the defendants SCRAM  
6 device showed a positive reading for alcohol with an alleged confirmed peak  
7 reading in at .05 TAC. The defendant was notified a week later that he tested  
8 positive for alcohol consumption and that a probation violation report would be  
9 filed against him. The defendant was notified by their attorney and the defendant  
10 got an alcohol test done through a certified medical lab and the results were  
11 negative.

12 29. In the very case, just as the same facts as each of the Plaintiff's, the  
13 Honorable Edward S. Wilson found SCRAM highly unreliable and based on the  
14 hearing that was held, the trial Court found that SCRAM was not widely accepted  
15 in the scientific community. Further, Judge Edward Wilson also determined that  
16 the SCRAM device that the defendant was wearing was not in proper working  
17 order on the dates in question. As such, the violation was dismissed.

18 30. In a study of the accuracy of transdermal alcohol monitoring utilizing  
19 the SCRAM Device, it was similarly noted that the "methodology used by AMS  
20 cannot separate ethanol from other contaminating alcohols and therefore is not a  
21 reliable method." This is of particular significance because ingested alcohol is  
22 specifically comprised of ethanol. Thus, any device intended to measure an  
23 individual's blood alcohol content that is not specific to ethanol will detect all  
24 types of alcohols, including those that are not ingested by an individual. The  
25 SCRAM Device utilizes "fuel cell" technology that creates an electric current  
26 when an electrolyte contained within the device comes in contact with chemicals  
27 that has a "hydroxyl" group. The chemicals include isopropyl alcohol (rubbing  
28 alcohol), antifreeze, and many other "alcohols" such as those previously described

1 above. Because the SCRAM device is not specific to detecting ethanol, any  
2 number of other alcohols that are not ingested by the wearer can result in the  
3 Device registering an “alcohol” reading if they come in contact with the device.

4 31. Because the SCRAM Device does not directly measure the wearers’  
5 blood alcohol content, and is not specific to detecting ethanol, a reading by the  
6 SCRAM Device detecting the presence of alcohol vapors is not by itself in any  
7 way indicative that the wearer had actually consumed alcohol.

8 32. As discussed above, Defendants have to apply an algorithm to  
9 determine whether any readings collected by the SCRAM Device actually  
10 correspond to what Defendants term a “confirmed alcohol consumption event.”

11 33. Specifically, Defendants measure the rate at which the alcohol vapor  
12 readings detected by the SCRAM Device increase and decrease in order in order to  
13 determine whether they match the predicted rate at which alcohol vapors are  
14 released as a result of alcohol being metabolized by the human body. In applying  
15 their algorithm to determine whether an “alcohol consumption event” occurred,  
16 Defendants rely on a general assumption that the rate at which alcohol vapor is  
17 released through the skin following the consumption of alcohol falls within a  
18 certain range for all individuals, regardless of any distinguishing physiological  
19 characteristics (i.e. weight, height, thickness of skin).

20 34. Applying this algorithm, Defendants claim to be able to distinguish  
21 between alcohol vapor readings caused by “alcohol consumption events” and  
22 readings caused by “environmental alcohols,” because alcohol vapor readings that  
23 are caused by environmental alcohols are supposed to have a significantly different  
24 rate at which they increase/decrease in comparison to readings that are caused by  
25 ingestion of alcohol.

26 35. Because the raw data produced by the SCRAM Device is by itself of  
27 limited use in determining whether the wearer actually consumed alcohol, the data  
28 has to be sent to AMS’ central monitoring facility in Colorado to be analyzed and

1 for AMS' personnel to apply the algorithm and attempt to determine whether an  
2 "alcohol consumption event" had occurred.

3 36. When a customer of Defendants' alcohol monitoring service connects  
4 their SCRAM Bracelet into the internet connected docking station each day, the  
5 data collected for that day is sent to AMS for such analysis.

6 37. If upon analyzing the data AMS determines that the alcohol vapor  
7 readings were caused by an "alcohol consumption event," Defendants inform the  
8 law enforcement agency or court exercising jurisdiction over the wearer that based  
9 on their analysis of the collected data the individual had consumed alcohol.

10 38. However, the individual who was actually wearing the SCRAM  
11 Device, is not in any way informed by Defendants or by the device itself that an  
12 "alcohol consumption event" had occurred, neither at the time when the SCRAM  
13 Device is actually recording the alcohol vapor readings, nor when AMS concludes  
14 its analysis of the data and informs the law enforcement agency or the court.

15 39. In fact, the SCRAM Device is not designed to, and does not actively  
16 inform the wearer in real-time when it is detecting alcohol vapors. Even if the  
17 SCRAM Device records alcohol vapor readings continuously for 24 hours, when  
18 the wearer connects the SCRAM Device to the docking station to upload the data,  
19 the SCRAM Device will simply flash a green light to inform the wearer that the  
20 upload was successful.

21 40. Because the vast majority of Defendants' customers purchase the  
22 transdermal alcohol monitoring service as part of a condition of their bond or  
23 probation, a report to a law enforcement agency or judiciary that an individual has  
24 been determined to have consumed alcohol will often be considered a violation of  
25 the conditions of any such bond or probation and trigger a hearing revoking the  
26 bond/probation.

27  
28 41. However, because Defendants' customers are not timely notified

1 when the SCRAM Device detects the presence of alcohol vapors, when the data is  
 2 uploaded daily to AMS, or even when AMS sends a report stating that an “alcohol  
 3 consumption event” has occurred, they often do not discovery that they had  
 4 supposedly violated the conditions of their bond or probation until several days  
 5 after the “alcohol consumption event” had occurred.

6 42. Thus, Defendants’ customers who wish to dispute any finding that  
 7 they violated the terms of their bond/probation are unable to obtain evidence that  
 8 could allow them to challenge the revocation of their bond/probation because by  
 9 the time they are made aware of the potential violation, due to the rate of alcohol  
 10 metabolism in the human body, Defendants’ customers cannot obtain a timely  
 11 blood or breath alcohol test that could definitively show that they did not consume  
 12 alcohol at the time indicated by the SCRAM Device.

### 13 **SCRAM and AMS Device**

14 43. Alcohol Monitoring Systems, Inc., was found in 1997 and began  
 15 manufacturing, marketing, and selling SCRAM Devices. According to its website,  
 16 AMS and SCRAM has a presence in all 50 states and Canada.

17 44. Currently, SCRAM and AMS produces several different models of the  
 18 SCRAM Device, as well as other products such as the traditional home GPS ankle  
 19 monitor as well as a drug patch that an offender can wear similar to the SCRAM  
 20 ankle monitor. The devices by SCRAM and AMS are portable and employ the  
 21 same fuel cell technology to determine the amount of alcohol in a user’s sweat  
 22 level. Both SCRAM and AMS also lease and sells their devices to third party  
 23 companies all over the world.

### 24 ***Scram and AMS’s False Claims of Reliability***

25 45. In SCRAM and AMS’s marketing materials, and on both of their  
 26 websites, to government agencies such as the Courts, and law enforcement  
 27 agencies, and their customers, SCRAM and AMS advertises their products as  
 28 being reliable and can make a factual determination whether or not if the SCRAM

1 customer has consumed alcohol, or applied environmental products such as lotion,  
2 or hand sanitizer that contains alcohol ingredients.

3 46. However, this is entirely false and misleading and SCRAM and AMS  
4 made these statements despite the fact that statements are not true. The SCRAM  
5 Device itself is not specific enough to test for ethanol which is an alcohol  
6 ingredient. The term "alcohol" has been synonymous with "spirituous" liquids for  
7 the past 300 years. There are four types of alcohol: methyl alcohol, ethyl alcohol,  
8 propyl alcohol and butyl alcohol. Ethyl Alcohol, or ethanol ( $C_2H_5OH$ ), is the type  
9 used in the production of alcoholic beverages. The other three types, methyl,  
10 propyl and butyl alcohol, if consumed can result in blindness and death, even in  
11 relatively small doses. Alcohol, or ethanol, is the intoxicating agent found in beer,  
12 wine and liquor. The SCRAM Device again is not as reliable as the Defendants  
13 advertised.

14 47. Contrary to SCRAM and AMS's marketing representations, the  
15 SCRAM Devices does not have any of the claimed certifications and validations.  
16 Thereby, the SCRAM Device is more prone to creating false positive consumption  
17 and tamper reports.

18 48. More specifically, the SCRAM Devices have been deemed unreliable  
19 as evidence of intoxication, particularly because the SCRAM Devices results have  
20 not been supported by scientific evidence or testimony. However, the Defendants  
21 make misrepresentations to their customers as well as government agencies that the  
22 SCRAM Device has in fact been accepted into the scientific community when it  
23 fact it has not been. The Defendants made these statements to their customers and  
24 government agencies knowing the falsity of these statements anyways in an effort  
25 to bolster their money-making scheme.

26 49. Both SCRAM and AMS, continues to fail, to inform their consumers,  
27 including Plaintiffs and customers, that its SCRAM Devices are (a) the SCRAM  
28 device has never been accepted into the scientific community, (b) the SCRAM

1 Device inadmissible in court as evidence of intoxication, and deemed unreliable by  
2 courts, (c) the SCRAM Device is capable of producing false readings due to the  
3 fact the SCRAM Device is not specific enough to test for the ingredients of  
4 ethanol, and (d) when the SCRAM customers uploads their readings through the  
5 internet, a bad internet connection can cause a false positive.

6 50. Despite these representations, the SCRAM Devices do not function as  
7 the Defendants describes, as they constantly display error messages, fail to record  
8 and transmit data to the internet, and return false positive test results. The SCRAM  
9 Devices fail to reliably perform their intended purpose because users frequently  
10 and repeatedly receive error messages on their SCRAM Device informing them  
11 that their test has not been sent and instructing them to try again. Instead of quickly  
12 and conveniently submitting a valid test, users are forced to continue attempting to  
13 submit a successful test in order to remain compliant in their monitoring program.

14 51. Despite SCRAM and AMS assurances, the SCRAM Devices do not  
15 reliably upload data to the internet. Missed test may result in serious consequences,  
16 including revocation of their probation and jail time. According to SCRAM, "If a  
17 client either has a positive test or a missed test, both should be viewed as a positive  
18 test and treated equally."

19 52. Both SCRAM and AMS failed, and continues to fail, to inform  
20 consumers, including Plaintiff that its SCRAM Devices do not allow users to  
21 establish their sobriety at any time because the SCRAM Devices (a) frequently and  
22 repeatedly display error messages, (b) require users to make repeated attempts to  
23 submit a successful test, (c) frequently fail to transmit test results to the internet,  
24 (d) erroneously report that users missed scheduled tests, and (e) erroneously  
25 generate false positive test results.

26 53. Consumers, including the Plaintiff previously and currently purchased  
27 or rented SCRAM Devices because they believed the SCRAM Devices were  
28 verified and certified alcohol screening devices, and that SCRAM Devices allowed

1 users to establish their sobriety at any time. Consumers, including the Plaintiff and  
2 believed the SCRAM Devices have these qualifications and characteristics in  
3 reliance and based on SCRAM and AMS's misrepresentations and omissions  
4 described herein.

5 54. Plaintiff relied on SCRAM and AMS's foregoing misrepresentations  
6 and omissions in deciding to purchase or rent the said SCRAM Devices. Had  
7 Plaintiff known the truth about SCRAM and AMS's aforementioned misleading  
8 representations, they would not have purchased or rented the SCRAM Devices, as  
9 there were and are alternative alcohol testing technologies available to them that  
10 they could and would have chosen.

11 55. Throughout the course of the monitoring programs, Plaintiffs'  
12 SCRAM Devices repeatedly displayed error codes, failed to upload test results,  
13 erroneously reported missed tests, and returned false positive and tamper test  
14 results.

15 56. As a result of SCRAM and AMS's misrepresentations and omissions,  
16 as well as the SCRAM Devices' functionality issues, Plaintiff have also incurred  
17 financial damages resulting from the purchase or rental of SCRAM Devices.

18 57. Plaintiff has been injured due to SCRAM and AMS's deception in  
19 marketing its SCRAM Devices, and as a result of SCRAM and AMS's despicable  
20 conduct, Plaintiff has suffered financial damages resulting from the purchase or  
21 rental of the Defendants SCRAM Devices.

22 **FACTS SPECIFIC TO PLAINTIFF**

23 58. On the evening of February 27, 2016, Plaintiff was driving to Camp  
24 Pendleton in San Diego California when he was pulled over by a California  
25 Highway Patrol officer. The officer suspected that Plaintiff had been drinking and  
26 performed a preliminary alcohol-screening test using a handheld Breathalyzer  
27 device. The officer then placed Plaintiff under arrest for driving while under the  
28 influence.



1           59.   Soon after he was arrested, Plaintiff was brought to a San Diego  
2 Sheriff's police station, where he was administered another, more extensive  
3 Breathalyzer test. While unknown to him at the time, Plaintiff's blood alcohol  
4 content was recorded as being under the legal limit.

5           60.   Plaintiff was thereafter released, and a hearing date was set for his  
6 arraignment on the driving under the influence charge was set for April 14, 2016,  
7 at approximately 10:00 am.

8           61.   On April 14, 2016, Plaintiff pleaded not guilty to the driving under the  
9 influence charge. Plaintiff was given the choice of being released on bond pending  
10 further adjudication of the charges on the additional condition that he be monitored  
11 by Defendants and wear the SCRAM Device. At the time of the hearing Plaintiff  
12 was not in any way informed that the SCRAM Device is capable of detecting  
13 environmental alcohols, that there was a possibility it could detect false-positives,  
14 or that the SCRAM Device would not actually inform Plaintiff himself that it had  
15 detected alcohol vapors, before Plaintiff agreed to the conditions of the bond and to  
16 purchase Defendants' monitoring services.

17           62.   Upon conclusion of the hearing Plaintiff was taken to the nearby jail  
18 where he was searched, relieved of his belongings, and put into a jail cell to wait  
19 for a SCRAM of California employee to arrive and attach the SCRAM Device to  
20 his ankle. Even though Plaintiff had posted his bail amount by 5:00 pm that day,  
21 April 14, Plaintiff was nonetheless detained for over 12 additional hours to wait for  
22 a SCRAM of California employee to arrive.

23           63.   The SCRAM of California employee eventually arrived on the  
24 morning of April 15, 2016. Even though the employee did not work for any state  
25 agency, court, or in law enforcement, the employee had a key to the jail cell where  
26 Plaintiff was being detained.

27           64.   The SCRAM of California employee entered Plaintiff's cell so that  
28 she could fulfill the conditions of Plaintiff's bond and place the SCRAM Device on

1 his left ankle, but was unable to get the SCRAM Device secured without additional  
2 equipment. To get the device placed on Plaintiff, the employee "signed" Plaintiff  
3 out of the jail facility so that she could escort him to her nearby office where she  
4 would be able to place the SCRAM Device on Plaintiff. The employee was  
5 officially given custody over Plaintiff and all of his personal belongings that were  
6 taken from him before he was placed in jail.

7 65. Upon taking custody of Plaintiff, the SCRAM of California employee  
8 escorted him to her office, where she was able to fasten a SCRAM Device to his  
9 left ankle.

10 66. After Plaintiff had the SCRAM Device placed on his ankle, the  
11 SCRAM of California employee had Plaintiff fill out a "Client Intake Form" and  
12 asked him to provide his signature on a credit card sales receipt for a \$325.00  
13 payment which she stated was the initiation fee for Defendants' monitoring  
14 service. When Plaintiff inquired how the employee had already obtained payment  
15 for the initiation fee, the employee stated that she took Plaintiff's credit card from  
16 his wallet that was given to her along with Plaintiff's other belongings when she  
17 was given custody of him. Plaintiff never provided his credit card to the employee,  
18 never authorized the employee to charge that particular credit card, and was  
19 generally unaware that the employee had permission to search his personal  
20 belongings to find and apply any form of payment.

21 67. Plaintiff was then led to another room where he, along with several  
22 other individuals who had similarly purchased Defendants' monitoring services,  
23 saw a short two to three-minute orientation video regarding the SCRAM Device  
24 and general information related to maintaining the SCRAM Device and avoiding  
25 any damage to it. After the video the SCRAM of California employee had a brief  
26 follow-up presentation addressing the video and then talked at length about the  
27 payment instructions and Plaintiff's, and the other said individuals' financial  
28 obligations related to the monitoring service and the SCRAM Device. After the

1 SCRAM of California employee finished her presentation Plaintiff was released  
2 from custody.

3 68. At no time was Plaintiff provided any literature, pamphlet, brochure,  
4 or any other form of documentation regarding the SCRAM Device and the  
5 Defendants' transdermal monitoring service.

6 69. Plaintiff was also never informed either through the video or by the  
7 SCRAM of California employee that the SCRAM Device can potentially detect  
8 false-positive alcohol readings. In fact, the SCRAM of California employee  
9 actually reassured Plaintiff and the other individuals present that the SCRAM  
10 Device can distinguish between alcohol vapor readings caused by ingested alcohol,  
11 and those caused by environmental alcohols.

12 70. The following week, on April 20, 2016, at approximately 6:00 pm,  
13 Plaintiff visited a Burlington Coat Factory store in Murrieta California with a  
14 family relative.

15 71. While at the Burlington store, Plaintiff shopped for, among other  
16 items, a body spray or cologne. After trying on one of the body sprays in the store,  
17 Plaintiff purchased it for future use.

18 72. That evening Plaintiff returned to the hotel where he was staying in  
19 Lake Elsinore, California at approximately 8:00 pm. Plaintiff had plans to meet  
20 with a friend in the evening for dinner in Riverside, California, and upon returning  
21 to his hotel room Plaintiff took a shower and then put on the body spray that he had  
22 purchased that same day before heading out.

23 73. However, at approximately 9:00 pm, before Plaintiff had left his hotel  
24 room, he was informed that his friend was no longer available and canceled their  
25 plans for the evening. Plaintiff decided to stay in for the evening in his hotel room,  
26 and went to sleep shortly thereafter.

27  
28 74. Complying with the requirement imposed by Defendants that he

1 connect his SCRAM Device to the internet once a day to upload the monitoring  
2 data collected, before going to sleep, at approximately 9:00 pm on April 20, 2016,  
3 Plaintiff connected his SCRAM Device to the internet connected docking station  
4 that he was provided. The docking station flashed a green light to indicate that the  
5 upload was successful, but otherwise did not provide any other information to  
6 Plaintiff regarding the data uploaded.

7 75. Sometime in the afternoon on April 21, 2016, Plaintiff then again  
8 connected his SCRAM Device to the docking station, which again flashed a green  
9 light to indicate that the upload was successful.

10 76. More than a week later, on or about April 29, 2016, Plaintiff received  
11 a follow up phone call from the same SCRAM of California employee who had  
12 originally placed the SCRAM Device on him and charged him the initiation fee.  
13 The employee sought to verify Plaintiff's payment information and that he would  
14 make the bi-weekly \$225.00 payment that was coming due. More importantly,  
15 during this phone call the employee also informed Plaintiff, for the first time that  
16 he had violated the conditions of his bond because his SCRAM Device had  
17 detected alcohol vapors that were determined by AMS to have been caused by the  
18 consumption of alcohol.

19 77. Upon learning this information, Plaintiff immediately investigated  
20 further and discovered that, much to his shock and surprise, on the evening of  
21 April 20, and into the morning hours of April 21, the SCRAM Device he was  
22 wearing had detected alcohol vapors.

23 78. Plaintiff also discovered that on April 25, 2016, Defendants sent a  
24 report directly to the court where his driving under the influence charge was being  
25 adjudicated informing it that Defendants had analyzed the data collected from  
26 Plaintiff's SCRAM Device and determined that there was a "confirmed alcohol  
27 consumption event" that occurred between April 20, 2016 and April 21, 2016.

28 79. Particularly disturbing to Plaintiff was the fact that at no point

1 between April 20, 2016 and April 21, 2016 was Plaintiff ever informed that the  
2 SCRAM Device had detected alcohol vapors, that Defendants had determined that  
3 an “alcohol consumption event” took place, or even that Defendants had reported  
4 to the court that he had violated the conditions of his bond.

5 80. Even though Plaintiff did not consume any alcohol at any time on  
6 April 20 or April 21, by the time Plaintiff was made aware of Defendants’ report  
7 on April 29, it was well past the narrow 12-hour window for him to have a blood  
8 alcohol test performed to conclusively prove that he did not consume any alcohol,  
9 or to even obtain a urine alcohol screening that shows whether an individual had  
10 consumed alcohol in the past 80 hours. Following several numerous failed  
11 communications with SCRAM of California regarding how he did not consume  
12 any alcohol between April 20 and April 21, and that the recorded readings must  
13 have been the result of an erroneous false positive, on May 18, 2016 Plaintiff filed  
14 a lawsuit against Defendants in the Southern District of California alleging various  
15 claims in relation to the transdermal alcohol monitoring service he had purchased  
16 from Defendants and the false-positive alcohol vapor readings that Defendants’  
17 SCRAM Device detected and which Defendants reported to the court.

18 81. Shortly after Plaintiff filed his federal lawsuit, the same SCRAM of  
19 California employee who had originally placed the SCRAM Device on Plaintiff,  
20 contacted Plaintiff and instructed him to take off the SCRAM Device. Soon  
21 thereafter Defendants reported to the court where Plaintiff’s case was pending that  
22 they would discontinue monitoring Plaintiff.

23 82. The transdermal alcohol monitoring report that was sent to the court  
24 by Defendants without Plaintiff’s knowledge showed that the supposed “alcohol  
25 consumption event” occurred approximately between 9:00 pm on April 20, and  
26 12:00 pm on April 21, with the “peak” alcohol vapor readings being recorded at  
27 midnight on April 21.

28 83. The alcohol vapor readings recorded by the SCRAM Device worn by

1 Plaintiff that supposedly evidenced Plaintiff consuming alcohol, directly coincided  
2 with Plaintiff's use of the body spray that he had purchased earlier that day on  
3 April 20, and had put on himself shortly before getting into bed to go to sleep at  
4 approximately 9:00 pm.

5 84. Because Plaintiff slept under a cover that night, the alcohol  
6 evaporating from the body spray that he had put on could not dissipate into the air  
7 and instead over time gradually increased in concentration under the cover.  
8 Because the SCRAM Device is not specific to detecting ethanol that is contained in  
9 drinking alcohol, and detects all alcohol vapors regardless of their source, the  
10 gradual buildup of the alcohol vapors released from the body spray Plaintiff had  
11 put on was detected, and Defendants' "algorithm" determined that the readings  
12 constituted an "alcohol monitoring event" simply based on the fact that there was a  
13 gradual rise and fall in the concentration of alcohol vapors detected by the SCRAM  
14 Device under the cover.

15 85. Even though Plaintiff was unable to obtain a timely blood alcohol or  
16 urine screening test, Plaintiff later discovered that there was another alternative  
17 form of testing that could prove that he did not in fact consume alcohol on April 20  
18 and April 21. On June 2, 2016, Plaintiff visited a certified medical laboratory and  
19 had a hair follicle test performed that looked for any traces of the by-products of  
20 alcohol metabolism from the prior 90 days.

21 86. Because hair follicles are repositories of certain chemicals that are  
22 created when the body ingests drugs or alcohol, and because of the nature of how  
23 long hair follicles remain in the scalp, a hair follicle test can be used to determine  
24 whether an individual has consumed alcohol or drugs for a much more extended  
25 period of time than a blood or urine screening test.

26 **87. The results of Plaintiff's hair follicle test came back negative for**  
27 **the presence of ethyl glucuronide, indicating that Plaintiff had not consumed**  
28 **alcohol on April 20 or April 21.**

1           88. Plaintiff paid a total of \$850.00 to Scram of California for  
2 Defendants' alcohol monitoring service.

3           89. Plaintiff paid a total of \$600.00 for a certified hair follicle test from a  
4 certified laboratory.

5           90. Had Plaintiff known that the SCRAM Device registered false positive  
6 test results, did not timely inform the user when the device was detecting the  
7 presence of alcohol vapors, was unable to distinguish between environmental  
8 alcohols and ingested alcohol, and that Defendants would not timely inform  
9 Plaintiff once they had determined that an alcohol monitoring event occurred,  
10 Plaintiff would have never agreed to purchase Defendants' alcohol monitoring  
11 service as a condition of his bond, and would have petitioned the court for an  
12 alternative means of monitoring.

13  
14                                   **PLAINTIFF'S FIRST CAUSE OF ACTION**

15 (Unfair, Unlawful, Deceptive Trade Practices, Bus. Prof. Code § 17200, et.seq)

16                                   **Plaintiff v. AMS and SCRAM**

17           91. Plaintiff re-alleges and incorporates by reference the paragraphs of  
18 this Complaint as if set forth herein.

19           92. Within four (4) years preceding the filing of this Complaint, and at all  
20 times mentioned herein, Defendants have engaged, and continue to engage, in  
21 unfair, unlawful and deceptive trade practices in California by engaging in the  
22 unfair, deceptive and unlawful business practices outlined in this Complaint. In  
23 particular, Defendants have engaged, and continue to engage, in unfair, unlawful  
24 and deceptive trade practices by, without limitation, the following:

25           a.     deceptively representing to Plaintiff, that their products are reliable  
26 and can make a determination if alcohol is present in the wearers system, as  
27 opposed to the wearer trying on environmental products that contain alcohol;

28           c.     failing to adequately inform Plaintiff that the wearer should not use



1 environmental products;

2 d. failing to adequately inform Plaintiff, that the Products were not and  
3 did not exclusively made by Scram;

4 e. failing to adequately inform Plaintiff, that the Scram device had never  
5 been accepted into the scientific community;

6 f. failing to inform Plaintiff that the monthly payment can be lowered  
7 based on the wearers income;

8 93. Plaintiff relied to their detriment on Defendants' unfair, deceptive and  
9 unlawful business practices. Had Plaintiff been adequately informed and not  
10 deceived by Defendants, they would have acted differently by not purchasing (or  
11 paying less for) the Defendants' Products.

12 94. Defendants' acts and omissions are likely to deceive the general  
13 public.

14 95. Defendants engaged in these unfair practices to increase their profits.  
15 Accordingly, Defendants have engaged in unlawful trade practices, as defined and  
16 prohibited by section 17200, *et. seq.* of the California Business and Professions  
17 Code.

18 96. The aforementioned practices, which Defendants have used to their  
19 significant financial gain, also constitute unlawful competition and provide an  
20 unlawful advantage over Defendants' competitors as well as injury to the general  
21 public.

22 97. Plaintiff seeks full restitution of monies, as necessary and according to  
23 proof, to restore any and all monies acquired by Defendants from Plaintiff by  
24 means of the unfair and/or deceptive trade practices complained of herein, plus  
25 interest thereon.

26 98. Plaintiff seeks an injunction to prohibit Defendants from continuing to  
27 engage in the unfair trade practices complained of herein.

28 99. The acts complained of herein occurred, at least in part, within four

1 (4) years preceding the filing of this Complaint.

2 100. Plaintiff is entitled to and do seek both a declaration that the above-  
 3 described trade practices are unfair, unlawful and/or fraudulent, and injunctive  
 4 relief restraining Defendants from engaging in any of such deceptive, unfair and/or  
 5 unlawful trade practices in the future. Such misconduct by Defendants, unless and  
 6 until enjoined and restrained by order of this Court, will continue to cause injury in  
 7 fact to the general public and the loss of money and property in that Defendants  
 8 will continue to violate the laws of California, unless specifically ordered to  
 9 comply with the same. This expectation of future violations will require current  
 10 and future customers to repeatedly and continuously seek legal redress in order to  
 11 recover monies paid to Defendants to which Defendants are not entitled for  
 12 services not completely rendered.

13 101. As a direct and proximate result of such actions, Plaintiff has suffered  
 14 and continue to suffer injury in fact and have lost money and/or property as a result  
 15 of such deceptive, unfair and/or unlawful trade practices and unfair competition in  
 16 an amount which will be proven at trial, but which is in excess of the jurisdictional  
 17 minimum of this Court. Among other things, Plaintiff lost the amount they paid for  
 18 the Defendants Defective Products.

19 102. As a direct and proximate result of such actions, Defendants have  
 20 enjoyed, and continue to enjoy, significant financial gain in an amount which will  
 21 be proven at trial, but which is in excess of the jurisdictional minimum of this  
 22 Court.

### 23 **PLAINTIFF'S SECOND CAUSE OF ACTION**

24 **(False Advertising, Bus. Prof. Code § 17500, et. seq. ("FAL"))**

25 **Plaintiff v. AMS and SCRAM**

26 103. Plaintiff re-alleges and incorporates by reference the paragraphs of  
 27 this Complaint as if set forth herein.

28 104. Beginning at an exact date unknown to Plaintiff, but within three (3)

1 years preceding the filing of this Complaint, the Defendants made untrue, false,  
2 deceptive and/or misleading statements in connection with the advertising and  
3 marketing of their Products.

4 105. Defendants made representations and statements (by omission and  
5 commission) that led reasonable customers to believe that they were purchasing a  
6 product so unique, that it would be proven scientifically that the wearer has, or did  
7 at some point consume alcohol. At all times relevant, Defendants' knew that their  
8 representations were false, but made them anyways.

9 106. Plaintiff relied to their detriment on Defendants' false, misleading and  
10 deceptive advertising and marketing practices, including each of the said stated  
11 misrepresentations and omissions set forth in each of the paragraphs herein. Had  
12 Plaintiff been adequately informed and not intentionally deceived by Defendants,  
13 they would have acted differently by, without limitation, refraining from  
14 purchasing Defendants' Products, paying less for them or purchasing smaller  
15 quantities.

16 107. Defendants' acts and omissions are likely to deceive the general  
17 public.

18 108. Each of the said Defendants engaged in these false, misleading and  
19 deceptive advertising and marketing practices to increase their profits.

20 109. Accordingly, Defendants have engaged in false advertising, as defined  
21 and prohibited by section 17500, *et. seq.*, of the California Business and  
22 Professions Code.

23 110. The aforementioned practices, which Defendants used, and continue  
24 to use, to their significant financial gain, also constitute unlawful competition and  
25 provide an unlawful advantage over Defendants' competitors as well as injury to  
26 the general public.

27  
28 111. Plaintiff seeks full restitution of monies, as necessary and according to

1 proof, to restore any and all monies acquired by Defendants from Plaintiff, the  
2 general public, or those similarly situated by means of the false, misleading and  
3 deceptive advertising and marketing practices complained of herein, plus interest  
4 thereon.

5 112. Plaintiff seeks an injunction to prohibit Defendants from continuing to  
6 engage in the false, misleading and deceptive advertising and marketing practices  
7 complained of herein. The acts complained of herein occurred, at least in part,  
8 within three (4) years preceding the filing of this Complaint.

9 113. Plaintiff and those similarly situated are further entitled to and do seek  
10 both a declaration that the above-described practices constitute false, misleading  
11 and deceptive advertising, and injunctive relief restraining the Defendants from  
12 engaging in any such advertising and marketing practices in the future. Such  
13 misconduct by Defendants, unless and until enjoined and restrained by order of this  
14 Court, will continue to cause injury in fact to Plaintiff and the general public and  
15 the loss of money and property in that the Defendants will continue to violate the  
16 laws of California, unless specifically ordered to comply with the same. This  
17 expectation of future violations will require current and future customers to  
18 repeatedly and continuously seek legal redress in order to recover monies paid to  
19 Defendants to which Defendants are not entitled. As a direct and proximate result  
20 of such actions, Plaintiff suffered, and continues to suffer, injury in fact and have  
21 lost money and/or property as a result of such false, deceptive and misleading  
22 advertising in an amount which will be proven at trial.

23  
24  
25  
26  
27  
28 **PRAYER FOR RELIEF**

1 WHEREFORE, Plaintiffs Anthony Oliver prays for judgment as follows:

2 1. For general and special damages in an amount according to proof;

3 2. For punitive damages in an amount sufficient to punish Defendants  
4 and deter them from engaging in similar conduct in the future pursuant to Code of  
5 Civil Procedure § 3294;

6 3. For restitution of all improper fees collected by the Defendants from  
7 Plaintiff;

8 4. An order from this Court Enjoining Defendants and each of them for  
9 their ruthless conduct;

10 5. For costs of suit pursuant to Fed.R.Civ.P. 54(d), 28 U.S.C. § 1920 and  
11 Cal.Civ. Code § 1032;

12 6. Such other and further relief as this Court deems just and proper.

13  
14 Dated: June 23, 2017

By: 

Anthony Oliver, Plaintiff Pro Se

15  
16  
17 **JURY TRIAL DEMANDED**

18 Pursuant to the Seventh Amendment to the United States Constitution,  
19 Plaintiff is entitled to, and demands a trial by jury.

20  
21 Dated: June 23, 2017

By: 

Anthony Oliver, Plaintiff Pro Se

PRES.



Retail

PRESS FIRMLY TO SEAL

PRIORITY MAIL  
POSTAGE REQUIRED

P P

US POSTAGE PAID  
\$6.65

★ Origin: 31322  
0 Lb 14.80 Oz  
Jun 20, 17  
7269980782-7

1006



PRIORITY MAIL ®2-Day



Expected Delivery Day: 06/22/2017



USPS TRACKING NUMBER



9505 5100 0612 7171 1776 05

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A CUSTOMS DECLARATION  
LABEL MAY BE REQUIRED.

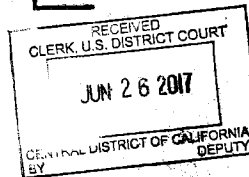
FROM:

Anthony Oliver, Plaintiff  
7306 Georgia Highway 21  
Suite #101 - Box #187  
Port Wentworth, Georgia 31407

CV

TO:

United States District Court - Central Dist. CA  
Attn: Civil Clerks filing  
312 N. Spring St. # 6-8  
Los Angeles, California

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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself ☒ )

ANTHONY OLIVER, an individual;

**DEFENDANTS** ( Check box if you are representing yourself ☐ )

Scram of California, Inc. et al.,

(b) County of Residence of First Listed Plaintiff Chatham

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Los Angeles

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Anthony Oliver, Plaintiff Pro Se  
7306 GA Highway 21, Suite 101 - Box # 187  
Port Wentworth, Georgia 31407

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Unknown

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff      ☐ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant      ☒ 4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**—For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant)

- |   |                                       |   |   |                                |                                |
|---|---------------------------------------|---|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1        | DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2                | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3                | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1. Original Proceeding      ☐ 2. Removed from State Court      ☐ 3. Remanded from Appellate Court      ☐ 4. Reinstated or Reopened      ☐ 5. Transferred from Another District (Specify)      ☐ 6. Multidistrict Litigation - Transfer      ☐ 8. Multidistrict Litigation - Direct File

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☐ No☒ **MONEY DEMANDED IN COMPLAINT:** \$ 4,000,000.00**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Diversity - 28 USC 1331 and 1332

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 835 Patent - Abbreviated
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 140 Negotiable Instrument	<b>TORTS PERSONAL INJURY</b>	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<input type="checkbox"/> New Drug Application
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>Other:</b>	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<b>BANKRUPTCY</b>	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input checked="" type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<b>CIVIL RIGHTS</b>	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 891 Agricultural Acts	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<b>LABOR</b>	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 444 American with Disabilities-Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 751 Family and Medical Leave Act	
				<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

**CV 17 - 04735**

CV-71 (05/17)

CIVIL COVER SHEET

Page 1 of 3



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>QUESTION A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	<b>STATE CASE WAS PENDING IN THE COUNTY OF:</b> <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino	<b>INITIAL DIVISION IN CACD IS:</b> Western Southern Eastern	
<b>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," skip to Question C. If "yes," answer Question B.1, at right.	<b>B.1.</b> Do 50% or more of the defendants who reside in the district reside in Orange Co?  check one of the boxes to the right →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there.  <input checked="" type="checkbox"/> NO. Continue to Question B.2.	
	<b>B.2.</b> Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.)  check one of the boxes to the right →	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there.  <input checked="" type="checkbox"/> NO. Your case will initially be assigned to the Western Division. <input checked="" type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
<b>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," skip to Question D. If "yes," answer Question C.1, at right.	<b>C.1.</b> Do 50% or more of the plaintiffs who reside in the district reside in Orange Co?  check one of the boxes to the right →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there.  <input checked="" type="checkbox"/> NO. Continue to Question C.2.	
	<b>C.2.</b> Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.)  check one of the boxes to the right →	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there.  <input checked="" type="checkbox"/> NO. Your case will initially be assigned to the Western Division. <input checked="" type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
<b>QUESTION D: Location of plaintiffs and defendants?</b>  Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)  Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<b>A.</b> Orange County	<b>B.</b> Riverside or San Bernardino County	<b>C.</b> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>D.1. Is there at least one answer in Column A?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "yes," your case will initially be assigned to the SOUTHERN DIVISION.  Enter "Southern" in response to Question E, below, and continue from there.  If "no," go to question D2 to the right. →	<b>D.2. Is there at least one answer in Column B?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "yes," your case will initially be assigned to the EASTERN DIVISION.  Enter "Eastern" in response to Question E, below.  If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓		
<b>QUESTION E: Initial Division?</b>  Enter the initial division determined by Question A, B, C, or D above: →	<b>INITIAL DIVISION IN CACD</b>  WESTERN		
<b>QUESTION F: Northern Counties?</b>  Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court?

☒ NO

☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

☐ NO

☐ YES

If yes, list case number(s): CV-17-01474-CAS-(PLAx) \_\_\_\_\_

**Civil cases** are related when they (check all that apply):

- ☒ A. Arise from the same or a closely related transaction, happening, or event;
- ☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☒ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

**A civil forfeiture case and a criminal case** are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

**X. SIGNATURE OF ATTORNEY  
(OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_

DATE: June 23, 2017

**Notice to Counsel/Parties:** The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

ANTHONY OLIVER, an individual;

*Plaintiff(s)*

v.

Scram of California, Inc., a California Corporation;  
Alcohol Monitoring Systems, Inc., a Delaware  
Corporation; and DOES 1-10, inclusive.

*Defendant(s)*

Civil Action No.

CV 17-04735 MWF(SS)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Scram of California, Inc.  
Agent: Aaron Fleisher  
402 W. Broadway, # 1250  
San Diego, California 92101

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anthony Oliver, Plaintiff Pro Se  
7306 GA Highway 21, Suite 101 – Box # 187  
Port Wentworth, Georgia 31407  
(818) 624-2504 (telephone)  
(818) 855-1119 (facsimile)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: